UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.6/49/L.27
23 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS FORTY-SIXTH SESSION

Draft resolution proposed by the Chairman

Draft articles on the law of the non-navigational
uses of international watercourses

The General Assembly,

Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, 1/ which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses,

Noting that the Commission decided to recommend the draft articles to the General Assembly, and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), pp. 195-326.

Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

2. Invites States to submit, not later than 1 August 1995, written comments and observations on the draft articles adopted by the International Law Commission;

3. Decides that, at the beginning of its fiftieth session, the Sixth Committee shall convene as a Working Group of the Whole for three weeks from 2 to 20 October 1995 to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments of States as well as views expressed in the debate at the forty-ninth session of the General Assembly;

4. Also decides that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

5. Requests the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at the fiftieth session of the General Assembly, and to submit at that session all relevant documentation;

6. Decides to include in the provisional agenda of its fiftieth session an item entitled "Convention on the law of the non-navigational uses of international watercourses".

ANNEX

Methods of work and procedures

The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

The Working Group of the Whole shall start at once with a discussion of the draft articles on an article by article basis, without prejudice to the possibility of considering simultaneously closely connected articles, the decisions on article 2 on "Use of terms" being reserved for the concluding stages of the work.

The Working Group of the Whole shall establish a Drafting Committee. The Chairman of the Working Group shall determine the composition of the Drafting Committee. The Drafting Committee shall elect its own Chairman.

Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the Drafting Committee for examination in the light of the discussion.

The Drafting Committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.